

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking to Implement the Provisions of Pub.
Util. Code § 761.3 Enacted by Chapter 19 of the
2001-02 Second Extraordinary Legislative Session.

Rulemaking 02-11-039
(Filed November 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING CHANGES TO DRAFT DECISIONS
FOR THE PURPOSE OF ADVANCING
IMPLEMENTATION AND ENFORCEMENT
FOR SUMMER 2004**

Summary

This Ruling is to advise parties of a proposed shortening of the times for initial implementation and enforcement of the Logbook Standards for Thermal Powerplants, General Order, General Duty Standards for Operation and Maintenance, and Maintenance Standards as contained in two draft decisions now before the Commission. Parties should take this into consideration in their planning for Summer 2004.

Discussion

The Draft Decision on Logbook Standards for Thermal Powerplants was filed for comment on October 29, 2003. Comments were filed during November 2003. This draft decision was before the Commission at its meeting on December 4, 2003, was held to January 22, 2004, held to April 1, 2004, and held to May 6, 2004.

The Draft Decision Adopting a General Order was filed for comment on February 27, 2004. Comments were filed during March 2004. This draft decision was on the Commission's agenda on April 1, 2004, and held to May 6, 2004.

Proposed changes have been made to each draft decision in response to comments. Those proposed changes include extending the dates for compliance in order to give covered electric generation facilities more time.¹

For example, as originally proposed on October 29, 2003, the Thermal Logbook Standards decision would become effective immediately, with compliance documents (at the facility) and verified statements (filed with the Commission) due within 30 days. As revised based on comments, the compliance documents and verified statements would be due within 45 days after mailing of the decision.

This is similarly true for the General Order decision. As originally proposed on February 27, 2004, the Commission decision would become effective immediately, with the General Order effective immediately. As revised based on comments, the General Order would become effective 30 days after mailing of the decision.

The resulting schedule could be as follows. If the two decisions are adopted May 6 and mailed May 7, the General Order becomes effective in 30 days, on June 6, 2004. This also means the General Duty Standards for Operation and Maintenance (GDS) are effective on June 6, 2004, along with other sections of the General Order (e.g., required compliance with the Independent System Operator Outage Coordination Protocol, Information Requirements,

¹ Proposed changes and revisions to each draft decision were made available to parties at each Commission meeting and by electronic mail.

Audits, Inspections, Investigations, Sanctions). The compliance documents and verified statements for thermal logbook standards must be filed within 45 days after the Logbook Thermal decision is mailed, or by June 21, 2004. The initial Certificates of Compliance for maintenance plans must be filed within 90 days after the effective date of the General Order, or by September 4, 2004. These dates are generally well into Summer 2004, given that Summer 2004 begins on May 1 for Pacific Gas and Electric Company (PG&E) and San Diego Gas and Electric Company (SDG&E), and on June 6 for Southern California Edison Company (SCE).²

The implementation dates in the draft decisions as now proposed unreasonably compromise the Commission's ability to implement and enforce the adopted operation and maintenance standards for Summer 2004. The Assigned Commissioner or Administrative Law Judge will address this problem by circulating changed pages for each draft decision to be considered at the May 6, 2004 Commission meeting. The changes will shorten the time for compliance to permit more reasonable Commission implementation and enforcement for Summer 2004. This is consistent with the Assigned Commissioner's Ruling (ACR) seeking program implementation by the summer season.³

² PG&E rate schedules define the summer period as May 1 through October 31 (e.g., Schedules A-6, E-19 and E-20). SDG&E rate schedules define the summer period as May 1 through September 30 (e.g., Schedules A and AL-TOU). SCE rate schedules define the summer period as the first Sunday in June through the first Sunday in October (e.g., Schedules GS-1, GS-2, TOU-GS-2 and TOU-8).

³ ACR dated February 19, 2003 at page 2, seeking to accomplish important work by Summer 2003, which is now focused on Summer 2004.

We point out this change so that covered electric generation facilities and their owners and operators may take the opportunity now—to the extent not already initiated—to begin necessary compliance in anticipation of each decision being adopted May 6, 2004. In particular, the General Order draft decision to be considered by the Commission on May 6 will include a proposal to make the General Order effective 3 days after the decision is mailed (e.g., if mailed May 7, 2004 the General Order will be effective May 10, 2004, and the GDS plus other program elements will be effective May 10, 2004). Similarly, the Logbook Thermal draft decision will include a proposal to require logbook thermal compliance documents to be prepared, and the verified statements to be filed, within 30 days of the date the Logbook Standards for Thermal Powerplants decision is mailed (e.g. if mailed May 7, 2004, the verified statements must be filed by June 7, 2004, the first business day after the 30th day on June 6, 2004). Finally, the General Order draft decision will include a proposal to require that the initial Certificate of Compliance for maintenance plans be filed within 45 days after the effective date of the General Order (e.g., if the General Order is effective May 10, 2004, the initial Certificates of Compliance must be filed by June 24, 2004). Other similar shortening of compliance dates will be proposed as necessary.

IT IS SO RULED.

Dated April 20, 2004, at San Francisco, California.

/s/ JOHN E. THORSON
John E. Thorson
Administrative Law Judge

/s/ BURTON W. MATTSON
Burton W. Mattson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Changes to Draft Decisions for the Purpose of Advancing Implementation and Enforcement for Summer 2004 on all parties of record in this proceeding or their attorneys of record.

Dated April 20, 2004, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

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